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MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
November 20-21, 1989

Meeting convenes at 1:30 p.m., November 20, 1989 in the fourth floor conference room and reconvenes on November 21, 8:30 a.m.

Public Participation

3:30 p.m.

Meeting reconvenes 8:30 a.m., Tuesday, November 21, 1989

Break

10:00 a.m.

Appointments: *Leonard Schiervelbein*  
*Gary Wiltgen (A.G. Referral)*  
*Lakeshore Drive (A.G. Referral)*

3:00 p.m. - Mon. Nov. 20

3:45 p.m. - Mon. Nov. 20

1. Approve Agenda *Humboldt Co. Landfill Comm.* - 9:00 A.m. - Tues., Nov. 21
2. Approve Minutes of October 16-17, 1989. - 9:30 A.m. - Tues., Nov. 21
3. Director's Report. (Wilson) Informational.
4. Financial Status Report. (Kuhn) Informational.
5. Waste Management Hierarchy Discussion. (Hay) Informational.
6. Monthly Reports. (Stokes) Informational.
7. State Revolving Fund Intended Use Plan - FY 1990. (Stokes) Informational.
8. Proposed Contested Case Decision--Paul Kloberdanz. (Combs) Decision.
9. Proposed Contested Case Decision--Edward Cain. (Combs) Decision.
- 10(i) Proposed Contested Case Decision -- Charles Clapp. (Combs)
10. Referrals To The Attorney General. (Combs) Decision.

- (a) Lakeshore Drive, Inc., et al. (Osceola)
- (b) Howard Gross (West Union)
- (c) Arthur Pape (West Union)
- (d) William L. Bown (Marshalltown)
- (e) Fred Iben (Monticello)
- (f) Wiltgen Construction Co. (Calmar)
- (g) Humboldt County Landfill Commission
- (h) Daryl Larson, D.V.M. (Aududon)

11. General Discussion Items.

12. Address Items for Next Meeting.

NEXT MEETING DATES

December 11-12, 1989

January 16-17, 1990 (Tues & Wed)

February 19-20, 1989

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 20, 1989

NAME COMPANY OR AGENCY CITY

(please print)

DANNY VEST	GROWMARK, INC.	BLOOMINGTON, IL.
Dale Quinn	Iowa Farm Bureau	W.D.M
JANE McALLISTER	AHLERS LAW FIRM	DM
CHRIS KNIGHT	C.R. Gazette	DSM
Deanne Geile	Groundwater Tech, Inc.	DM
Jim Caldwell Jr	Metro Solid Waste	DM
Kathy Kennedy Withers	Metro Solid Waste	DM
JEFF Robinson	LFB	DM
Theresa Keller	San Antonio County	DM
Danny Wietgen	Wietgen Const	Calum
Lendall Schenkelheim	Farmersburg	
John Sweeney	A & S, Office	
Rita Bergly	Dept Public Health	Demons
John D. Hays	Lake Shore Drive Inc	Osceola
Jim Gresser	"	"
Edward Lundquist	"	"
Bob Maa		Shubert
Bob Bahwang	Haldin Co	Supervisor

DW

RECORD COPY *EPC Meeting*

File Name *A DM-11-1 Nov. 1989*

Senders Initials *JS*

Minutes of the Environmental Protection Commission Meeting

November 20-21, 1989

Wallace State Office Building, Des Moines, Iowa



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NOVEMBER 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 1:30 p.m. on November 20, 1989.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Rozanne King (November 21), Charlotte Mohr, Gary Priebe, and Clark Yeager.

MEMBERS ABSENT

Rozanne King (November 20), Margaret Prahl, and Nancy Lee Siebenmann

ADOPTION OF AGENDA

The following items were added to the agenda:

Item 10(i) Proposed Contested Case Decision--Charles Clapp

Appointments:

Lendall Schievelbeim - 3:00 p.m., November 20

Gary Wiltgen - 3:45 p.m., November 20

Lake Shore Drive - 9:00 a.m., November 21

Humboldt County Landfill - 9:30 a.m., November 21

*Motion was made by William Ehm to approve the agenda as amended. Seconded by Mike Earley. Motion carried unanimously.*

ADOPTION OF MINUTES

*Motion was made by Richard Hartsuck to approve the minutes of October 16-17, 1989 as presented. Seconded by William Ehm. Motion carried unanimously.*

DIRECTOR'S REPORT

Director Wilson distributed a brochure entitled "Groundwater Primer for Iowa Issues" and noted that this brochure will be going out to the schools, teachers, naturalists, and county conservation boards. Also distributed was a schedule for the series of hearings on risk assessment to be held in conjunction with the EPC Commission meetings.

Director Wilson distributed a copy of the hand-out which was given to attendees at the public meetings on the Environmental Agenda for 1990's. He displayed overhead transparencies outlining the process used to develop the environmental issues to be submitted to the Governor by November 30. Mr. Wilson expanded on the issues discussed at the public meetings.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached for your review and comment is a copy of a Financial Status report for DNR operations by division. The "Year-To-Date Plan" column reflects spending plans prepared for each operations cost center and consolidated at the Bureau and Division levels.

In this way, it is possible to hold each work unit manager, each Bureau Chief, and each Division Administrator responsible for their respective budget performance.

In the "Over/Under Year-To-Date Plan" column, amounts with a "-" indicate that that particular budget category is currently under budget as compared to the YTD spending plan.

Similar status reports are available at the cost center and bureau levels, either upon request or generally, if desired by the Commission.

In this particular report, all of the salary expenditures appear to be over budget. This is because the spending plan projections assumed two payrolls in October and three in November. However, the first November payroll was written and charged against the budget on 10/31. Manually adjusting for that problem, none of the divisions are actually over their respective salary budgets.

In addition to this report, the DNR also prepares an internal report each month, on a personal computer, that "costs out" on a year-to-date basis the revenues related to each division's expenditures and apportions the indirect cost to the line divisions from the support divisions.



This report is normally available in the later part of each month. This report, plus additional fiscal information from the State's Financial Accounting System (IFAS) is available upon request. However, the report provided is the primary tool used by staff for monitoring operations.

This attached report, and the related work of spending plan development, has been under development since last Spring. Each Commission should find this useful in monitoring the agency's budget.

(Report is shown on the following 9 pages)

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ICWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 10/31/89

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	TOTAL EXPENDITURES 10/01/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
100-DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	24,731.69	73,705.53	69,291.00	4,614.53	223,101.00
102 PERSONAL TRAVEL	4,748.07	10,642.30	11,480.00	637.70-	40,000.00
201 OFFICE SUPPLIES	170.60	237.06	300.00	62.94-	1,200.00
202 EQUIPMENT MAINTENANCE SUP	56.50	56.50	50.00	23.50-	1,200.00
203 OFFICE SUPPLIES	89.02	104.42	40.00	64.42	120.00
209 PRINTING & BINDING	0.00	105.65	3,030.00	2,224.35-	14,120.00
406 OUTSIDE SERVICES	396.75	497.85	750.00	252.15-	3,200.00
501 EQUIPMENT	0.00	2,274.75	0.00	2,274.75	4,300.00
DIVISION TOTAL	30,232.63	88,564.06	84,991.00	3,573.06	287,741.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 10/31/89

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		TOTAL EXPENDITURES 10/31/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2660	COORDINATION AND INFORMATION					
101	PERSONAL SERVICES	177,628.25	527,141.13	475,345.00	51,796.13	1,491,352.00
202	PERSONAL TRAVEL	4,028.46	11,666.95	12,948.00	1,341.05	45,331.00
203	STATE VEHICLE OPERATION	1,232.49	2,581.07	2,732.00	150.93	13,931.00
204	STATE VEHICLE DEPRECIATION	2,305.00	4,531.00	4,425.00	110.00	17,700.00
301	OFFICE SUPPLIES	20,273.64	41,731.14	17,625.00	24,106.14	70,500.00
302	EQUIPMENT MAINTENANCE SUPP	569.40	5,341.20	4,750.00	591.20	16,500.00
303	EQUIPMENT MAINTENANCE SUPP	315.95	4,121.35	3,000.00	1,121.35	12,000.00
307	AGRICULTURAL SUPPLIES	0.00	220.00	250.00	30.00	300.00
308	OTHER SUPPLIES	2,333.34	7,333.22	7,125.00	208.22	300.00
309	PRINTING & BINDING	81,042.97	91,333.69	106,767.00	15,211.32	373,333.00
312	COMMUNICATIONS	908.71	1,968.37	1,311.00	342.13	2,200.00
401	PROF & SCIENTIFIC SERVICE	1,443.72	2,496.37	1,297.00	549.37	2,750.00
403	OUTSIDE SERVICE	4,783.83	8,263.08	6,680.00	1,583.08	35,320.00
406	PUBLIC RELATIONS & PUBLICITY	17,097.50	18,597.50	33,120.00	14,522.50	60,000.00
408	ADVERTISING & PUBLICITY	3,150.79	5,329.39	7,250.00	1,850.61	12,000.00
414	REIMBURSEMENTS TO OTHER A	64.84	124.84	0.00	4,875.15	15,000.00
501	EQUIPMENT	2,662.13	8,933.51	5,000.00	28,556.59	57,750.00
	DIVISION TOTAL	321,110.26	743,800.78	728,125.40	15,675.78	2,318,203.00

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SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN						
	TOTAL EXPENDITURES 10/01/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET	
3000 ADMINISTRATIVE SERVICES-DIV.						
101 PERSONAL SERVICES	422,375.16	1,279,962.17	1,273,530.00	6,432.17	4,041,357.00	
202 PERSONAL TRAVEL	3,761.22	12,772.48	17,133.00	4,360.52	30,200.00	
203 STATE VEHICLE OPERATION	6,985.34	15,196.80	17,460.00	2,263.20	38,300.00	
204 STATE VEHICLE DEPRECIATION	10,710.00	21,521.00	20,500.00	1,021.00	38,300.00	
301 OFFICE SUPPLIES	39,056.79	92,761.86	64,590.00	28,171.86	339,300.00	
302 FACILITY MAINTENANCE SUPP	64.10	108.54	500.00	391.05	1,700.00	
303 EQUIPMENT MAINTENANCE SUPP	8,471.22	16,573.33	22,525.00	6,049.15	51,800.00	
308 OTHER SUPPLIES	4,449.93	2,573.33	2,625.00	263.75	10,400.00	
309 PRINTING & BINDING	24.89	2,531.25	9,567.00	6,533.75	26,500.00	
312 UNIFORMS & RELATED ITEMS	362.19	484.09	500.00	15.91	4,200.00	
401 COMMUNICATIONS	19,281.21	37,145.71	56,108.00	18,952.29	221,300.00	
402 RENTALS	0.00	103.50	125.00	15.50	33,500.00	
406 OUTSIDE SERVICES	2,386.24	5,223.79	10,530.00	5,314.23	52,000.00	
413 DATA PROCESSING	35,872.54	92,647.10	17,333.00	75,314.10	9,600.00	
414 REIMBURSEMENT TO OTHER A	20.40	90.40	2,000.00	2,799.60	139,300.00	
501 LICENSES	14,389.93	36,025.84	52,265.00	16,239.15	139,300.00	
	0.00	2.50	50.00	47.50	13,000.00	
DIVISION TOTAL	564,210.82	1,616,112.59	1,568,030.00	48,082.59	5,130,322.00	

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
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	TOTAL EXPENDITURES 10/01/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000-PARKS, PRES. & RECREATION-DIV.					
101 PERSONAL SERVICES	551,137.99	2,063,486.18	1,547,153.00	216,333.18	5,373,176.00
202 PERSONAL TRAVEL	7,631.59	13,714.80	36,779.00	23,064.20	103,179.00
203 STATE VEHICLE OPERATION	32,622.60	70,528.43	66,203.00	4,325.43	179,776.00
204 STATE VEHICLE DEPRECIATION	33,915.82	73,205.00	90,033.00	16,828.00	287,369.00
301 OFFICE SUPPLIES	6,361.85	10,811.21	13,502.00	2,690.79	45,307.00
302 FACILITY MAINTENANCE SUPP	48,075.49	204,492.36	13,502.00	41,102.64	62,363.00
303 EQUIPMENT MAINTENANCE SUPP	26,527.49	102,128.84	279,672.00	171,456.88	234,000.00
307 EQUIPMENT MAINTENANCE & REPAIRS	1,254.79	17,543.34	2,845.00	1,592.34	19,500.00
308 OTHER SUPPLIES	2,342.43	17,543.34	32,490.00	14,946.66	26,344.00
309 TRAVELING & RELATED ITEMS	9,000.00	5,741.71	13,212.00	7,212.00	37,139.00
312 COMMUNICATIONS	868.99	23,667.71	18,059.00	5,608.71	48,126.00
401 UTILITIES	9,229.22	13,694.56	9,930.00	3,764.56	72,980.00
402 UTILITIES	5,234.16	118,261.65	81,936.00	36,325.65	293,278.00
403 UTILITIES	48,106.99	2,606.99	8,800.00	6,193.01	50,000.00
405 UTILITIES	38,767.81	66,665.29	58,872.00	7,793.29	154,000.00
406 UTILITIES	1,567.81	1,567.81	200.00	1,367.81	1,000.00
414 EQUIPMENT	15,610.31	53,691.38	86,671.00	32,979.62	137,490.00
DIVISION TOTAL	529,595.25	2,842,755.11	2,597,863.00	244,892.11	7,656,179.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
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	TOTAL EXPENDITURES 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION	182,226.35	525,344.63	502,711.00	22,633.63	1,715,317.00
101 PERSONAL SERVICES	4,737.24	2,481.25	12,146.00	2,704.77	36,275.00
2003 STATE VEHICLE OPERATION	10,400.47	36,488.00	39,120.00	3,635.00	78,330.00
2004 STATE VEHICLE DEPRECIATION	18,120.00	2,196.91	5,090.00	2,893.09	116,320.00
3001 OFFICE SUPPLIES	2,512.71	6,154.41	11,333.00	5,179.29	51,000.00
3002 OFFICE SUPPLIES	8,972.03	20,822.46	21,693.00	1,063.74	56,176.00
3003 OFFICE SUPPLIES	4,958.10	3,643.02	71,750.00	64,873.54	104,301.00
3007 OFFICE SUPPLIES	2,387.46	3,295.05	13,050.00	9,754.95	110,336.00
3008 OFFICE SUPPLIES	760.63	2,342.97	10,391.00	8,048.03	14,100.00
3012 OFFICE SUPPLIES	3,211.23	3,160.42	12,950.00	9,789.58	14,100.00
4001 RENTALS	3,466.43	3,634.55	14,050.00	10,415.45	16,000.00
4002 RENTALS	3,203.39	4,273.23	11,639.00	8,435.61	37,000.00
4003 RENTALS	2,259.43	52.25	17,500.00	13,026.10	42,000.00
4006 ADVISORY SERVICES	62.25	175.00	200.00	127.75	25.00
4014 ADVISORY SERVICES	1,156.85	2,820.12	200.00	2,620.12	36,454.00
501 EQUIPMENT	1,156.85	2,820.12	13,014.00	10,193.88	36,454.00
DIVISION TOTAL	242,343.86	657,215.73	775,262.00	118,046.22	2,377,669.00

ICWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 12/31/89

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	TOTAL EXPENDITURES 10/31/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000- GEOLOGICAL RESOURCES					
1001- PERSONAL SERVICES	226,991.93	707,359.45	664,736.00	42,623.45	2,116,141.00
1002- PERSONAL TRAVEL	7,297.51	27,882.59	27,582.00	3,000.59	176,540.00
2003- STATE VEHICLE OPERATION	3,600.75	7,102.97	19,116.00	3,013.03	223,442.00
2004- STATE VEHICLE DEPRECIATION	4,145.00	8,135.11	17,816.00	3,372.19	13,426.00
3001- OFFICE SUPPLIES	5,443.56	8,361.53	4,897.00	3,464.53	3,233.00
3002- FACILITY MAINTENANCE SUPP	44.98	23.55	2,200.00	2,155.02	3,233.00
3003- EQUIPMENT MAINTENANCE SUPP	163.12	163.12	1,200.00	1,036.88	3,233.00
3004- OTHER SUPPLIES	7418.73	11,786.66	5,746.00	6,040.66	12,300.00
3005- PRINTING & BINDING	2,314.47	13,139.63	10,020.00	3,119.63	19,300.00
4001- COMMUNICATIONS	175.00	1,732.63	6,167.00	4,434.37	18,370.00
4002- UTILITIES	38.46	1,253.48	5,926.00	4,672.52	12,175.00
4003- PROFESSIONAL SERVICE	51,888.06	61,588.30	266,949.00	205,360.70	736,200.00
4004- SUPPLIES	326.97	1,737.69	2,354.00	616.31	7,750.00
5001- EQUIPMENT	138.10	3,104.52	6,550.00	3,445.48	7,335.00
DIVISION TOTAL	310,585.63	839,954.79	1,028,079.00	188,124.21	3,171,524.00

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ICWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 12/31/89

		TOTAL EXPENDITURES 10/01/89 - 12/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.						
101 PERSONAL SERVICES		619,321.44	1,813,392.96	1,700,818.00	117,554.96	5,439,399.00
102 PERSONAL TRAVEL		10,069.82	21,339.53	60,487.00	38,647.47	151,000.00
203 STATE VEHICLE OPERATION		5,954.06	12,111.97	12,369.00	248.03	43,000.00
204 STATE VEHICLE DEPRECIATION		5,505.00	17,911.00	21,166.00	3,255.00	32,700.00
301 OFFICE SUPPLIES		1,426.29	17,951.89	12,662.00	4,717.11	22,000.00
302 FACILITY MAINTENANCE SUPP		1,517.70	538.03	1,000.00	711.21	4,000.00
303 EQUIPMENT MAINTENANCE SUPP		336.34	426.03	1,250.00	713.23	4,000.00
304 ROADS & SUPPLIES		0.00	526.25	1,350.00	1,655.74	4,000.00
305 OTHER SUPPLIES		1,743.87	2,336.25	6,767.00	7,950.95	22,000.00
306 PRINTING & BINDING		627.20	2,816.15	10,300.00	7,950.95	22,000.00
401 COMMUNICATIONS		4,200.71	7,979.53	19,315.00	1,320.35	25,000.00
402 UTILITIES		6,441.03	16,937.19	11,315.00	5,320.35	25,000.00
403 SCIENTIFIC SERVICE		1,355.00	47,646.73	309,846.00	262,199.25	30,000.00
405 OUTSIDE SERVICES		22,755.00	7,618.51	12,376.00	4,759.49	30,000.00
406 ADVERTISING & PUBLICITY		4,479.66	3,618.51	3,100.00	1,359.19	10,000.00
410 DATA PROCESSING		1,339.83	1,038.55	5,000.00	1,971.45	10,000.00
414 REIMBURSEMENTS TO OTHER A		0.00	1,038.55	5,000.00	1,971.45	10,000.00
501 EQUIPMENT		9,120.29	28,459.97	159,122.00	130,652.03	371,000.00
701 LICENSES		0.00	33.00	255.00	255.00	371,000.00
DIVISION TOTAL		698,621.10	2,003,987.78	2,339,839.00	335,851.22	7,130,399.00



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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 10/31/89

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	TOTAL EXPENDITURES 10/31/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT FISCAL YEAR
8000 FISH AND WILDLIFE DIVISION	1,150,812.43	3,621,287.61	3,503,772.00	117,515.61	10,632,493.55
1001 PERSONAL SERVICES	33,437.29	93,201.99	114,561.00	20,759.01	10,632,493.55
2003 STATE VEHICLE OPERATION	67,157.55	143,013.68	165,443.00	22,429.32	10,632,493.55
2004 STATE VEHICLE DEPRECIATION	105,170.00	201,790.00	191,271.00	9,519.00	10,632,493.55
3001 OFFICE SUPPLIES	59,557.36	41,141.16	49,219.00	8,077.84	10,632,493.55
3002 FACILITY MAINTENANCE SUPP	54,382.21	125,233.31	165,757.00	40,473.69	10,632,493.55
3003 EQUIPMENT MAINTENANCE SUPP	27,435.26	139,508.31	145,965.00	5,456.69	10,632,493.55
3004 CONSERVATION & PORTS	10,394.80	62,471.37	33,725.00	28,746.37	10,632,493.55
3005 PRINTING & RELATED ITEMS	16,300.15	28,104.37	30,996.00	2,891.63	10,632,493.55
3006 COMMUNICATIONS	15,231.00	39,731.47	33,920.00	5,811.47	10,632,493.55
4001 UTILITIES	14,307.39	9,519.19	10,523.00	1,003.81	10,632,493.55
4002 UTILITIES	21,819.36	43,995.13	55,323.00	11,327.87	10,632,493.55
4003 OUTSIDE SERVICE	26,854.32	38,676.23	123,116.00	84,439.77	10,632,493.55
4004 ADVERTISING & PUBLICITY	11,011.22	63,203.43	123,030.00	59,826.57	10,632,493.55
4005 REIMBURSEMENT	1,130.36	11,130.36	3,675.00	2,544.64	10,632,493.55
4006 LICENSE	8,832.00	25,024.48	65,597.00	40,572.52	10,632,493.55
4007 LICENSE	22.00	25.00	23.00	2.00	10,632,493.55
DIVISION TOTAL	1,630,336.19	4,758,133.19	4,908,376.00	150,242.81	15,102,472.00

J080C112	IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 10/31/89				PAGE	
	TOTAL EXPENDITURES 10/31/89 - 10/31/89	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET	
3000 WASTE MANAGEMENT AUTHORITY						
101 PERSONAL SERVICES	41,774.25	120,275.13	115,344.00	4,931.13	374,000.00	
202 PERSONAL TRAVEL	7,333.96	10,294.09	7,509.30	3,375.09	22,000.00	
301 OFFICE SUPPLIES	3,960.00	4,224.84	2,108.30	2,116.54	5,000.00	
306 OTHER SUPPLIES	528.95	894.26	585.00	309.26	2,000.00	
309 PRINTING & BINDING	1,647.00	1,843.85	10,656.00	8,812.15	27,000.00	
406 OUTSIDE SERVICES	2,725.69	2,896.78	1,992.00	904.78	6,000.00	
DIVISION ICIAL	57,669.84	140,816.95	138,194.30	2,622.65	437,437.00	

This was an informational item; no action was required

#### WASTE MANAGEMENT HIERARCHY

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Groundwater Protection Act of 1987 established the state solid waste management policy as the following waste management hierarchy in descending order of preference:

- a. Volume reduction at the source
- b. Recycling and reuse
- c. Combustion with energy recovery and refuse-derived fuel
- d. Combustion for volume reduction
- e. Disposal in sanitary landfills

This hierarchy is not unique to Iowa. U.S. EPA has adopted a similar hierarchy (c & d are combined) and every state that has a hierarchy has waste reduction and recycling/reuse as first and second options. By reducing the amount of solid waste generated, fewer resources are expended and the amount of waste which must be managed is reduced. Recycling and reuse provide for the recovery of resources, the conservation of energy in the production of new products and the conservation of new input materials.

Under the Landfill Alternatives grant program, proposals are ranked on the degree to which they promote the waste management hierarchy (in addition to other criteria). If the Commission were interested in seeing the emphasis placed on different types of projects, it would be necessary for the law to be changed and a new hierarchy adopted as state policy.

Discussion followed regarding incineration, composting and recycling.

Director Wilson commented that it is his feeling if Nancy Lee were in attendance she might ask that the Commission consider a new hierarchy. He added that he is not speaking on her behalf, but that is the impression he got according to what she has said in the past.

Mike Earley asked if other jurisdictions are looking at a change in hierarchy. Ms. Hay responded that she was not aware of any changes being considered by other jurisdictions.

Since the Commission did not request any changes to be made to the hierarchy, no action was taken on this item.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 9 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
November 1, 1989

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PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 22 - Controlling Air Pollution	10/16/89	*11/15/89	*12/12/89	*12/89	*1/90	*1/90	*2/90	*3/90
2. Ch. 25 and 30 - Toxic Air Emissions	*12/11/89	* 1/10/89	*1/90	*2/90	*3/90	*3/90	*4/90	*5/90
3. Ch. 39 - Plugging Abandoned Wells	10/16/89	*11/15/89	*12/12/89	*12/89	*1/90	*1/90	*2/90	*3/90
4. Ch. 41 - Public Water Supplies	8/21/89	9/20/89	10/10/89	10/10/89 10/11/89 10/12/89	*12/11/89	*12/11/89	* 1/10/90	*2/14/90
5. Ch. 60-62 - Water Quality Standards	7/17/89	8/09/89	9/11/89	8/29/89 8/30/89 8/31/89 9/06/89	*12/11/89	*12/11/89	* 1/10/90	*2/14/90
6. Ch. 101.3 - Farm Waste Rules	10/16/89	*11/15/89	*12/12/89	*12/89	*1/90	*1/90	*2/90	*3/90

\*Projected

MONTHLY VARIANCE REPORT						
Month: October, 1989						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Francis Garrity - DeWitt	Air Quality		Structures	Denied	10/23/89
2.	Louis Rich - Sigourney	Wastewater Construction	Wells Engineers	Lagoon Embankments & Dikes	Approved	10/03/89
3.	Fairfield, City of	Wastewater Construction	French-Reneker Associates	Minimum Sewer Size	Approved	10/10/89
4.	Runnells, City of	Wastewater Construction	Garden & Associates	Sewer Grade	Approved	10/13/89
5.	Marshalltown, City of	Wastewater Construction	Clapsaddle & Garber	Check Valve Location	Approved	10/16/89
6.	Des Moines - ICA - Phase 10, Segment 6	Wastewater Construction	Veenstra & Kimm, Inc.	Land Application- Soil pH	Approved	10/20/89
7.	Marshalltown, City of	Wastewater Construction	Clapsaddle & Garber	Diffused Air Capacity	Approved	10/25/89
8.	Jefferson County Bridge	Flood Plain	NNW, Inc .	Freeboard	Approved	10/25/89
9.	Artistic Mfg. Co. - Altoona	Wastewater Operations		Monitoring Frequency	Approved	10/19/89
10.	WRRRC, Inc. - Iowa Falls	Solid Waste	Rick Voerger	Process Requirements	Approved	10/02/89
11.	WRRRC, Inc. - Iowa Falls	Solid Waste	Rick Voerger	Storage	Approved	10/02/89
12.	WRRRC, Inc. - Iowa Falls	Solid Waste	Rick Voerger	Permit Exemptions	Approved	10/02/89
13.	Cargill, Inc. - Mahaska County	Solid Waste	Howard R. Green	Leachate	Approved	10/13/89

November 1989

## Environmental Protection Commission Minutes

## TOPIC: Report of Hazardous Conditions

During the period October 1, 1989 through October 31, 1989, reports of 89 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
10/13/89 MARION	A truck backed over a pipe exiting a 26,000 gallon diesel tank on 10/13/89, causing approximately 2,800 gallons of #2 diesel fuel to spill into storm sewer and receiving creek.	Pella City Power Plant, Box 345, Pella, Iowa.	Product migration was stopped by sand dikes, and pooled product was vacuumed up. Contaminated soil/sand was excavated for disposal.
10/19/89 GREENE	A tankwagon was overfilled on 10/19/89, causing approximately 300 gallons of liquid 28% nitrogen fertilizer to escape into the soil.	Farmland Industries, 1661 East Aurora Ave., Des Moines, Iowa.	Visibly contaminated soil was removed to a depth of 2.5 feet, and disked onto a controlled site to reach a normal application concentration. The excavated area was sampled to assure contaminant had been removed.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1989

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
OCT	89 (47)	62 (20)	10 (8)	17 (19)	52 (25)	3 (0)	10 (14)	1 (3)	1 (0)	22 (5)

Total # of Incidents Per  
Field Office  
This Period

01	02	03	04	05	06
8	12	7	15	25	22

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of October 1, 1989 through October 31, 1989, the following number of releases from underground storage tanks were identified.

83 (30)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1988.

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The following new enforcement actions were taken last month:

1989

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Bill Mitchell Swine Service, Inc., Madison County (5)	Wastewater	Prohibited Discharge, Construction Without Permit, Operation Without Permit	Order/Penalty	10/02/89
Norris Asphalt Paving, Inc., Ottumwa (5)	Air Quality	Operation Without Permit	Order/Penalty	10/05/89
Aten Services, Inc. and Mary Aten, Evansdale (6)	Solid Waste Underground Tank	Open Dumping/Remedial Action	Order	10-13-89
4 E's Farm, Inc. and Alfonse Erpelding, Algona (2)	Solid Waste	Open Dumping	Order/Penalty	10/13/89
South Dallas Co. Sanitary Landfill (Adel) (5)	Solid Waste	Operation Without Permit	Order	10/23/89
Gilbert Fjone, Swaledale (2)	Solid Waste	Open Dumping	Referred to AG	10-24-89
Glenn Sevick, Mason City (2)	Solid Waste	Open Dumping	Referred to AG	10-24-89
Richard Kleindolph, Muscatine (6)	Solid Waste	Open Dumping	Referred to AG	10-24-89
Robert Fisch, Manchester (1)	Air Quality	Open Burning	Referred to AG	10-24-89
Jeffrey Allen Miller, Shell Rock (2)	Air Quality	Open Burning	Referred to AG	10-24-89
Petroleum Marketing Co., Inc. (PEMCO), Malcom (5)	Wastewater	Compliance Schedule	Referred to AG	10-24-89
Mike McGinnis/Alfred Patten/Dennis Lewis, Pottawattamie Co. (4)	Solid Waste	Open Dumping	Referred to AG	10-24-89
East Side Acres, Merville (3)	Drinking Water	Monitoring/Reporting-Radioactivity	Order/Penalty	10-25-89
Green Products Co., Conrad (2)	Air Quality	Construction Without Permit	Order/Penalty	10-25-89
Iowa Co. Sanitary Landfill, Homestead (6)	Solid Waste	Operation Without Permit	Order	10-25-89
Grundy Co. Landfill Commission, Grundy Center (2)	Solid Waste	Operation Without Permit	Order	10-25-89
Clarke Co. Landfill Commission, Osceola (5)	Solid Waste	Operation Without Permit	Order	10-25-89
Boone Co. Sanitary Landfill Commission, Boone (5)	Solid Waste	Operation Without Permit	Order	10-25-89
Franklin Co. Sanitary Landfill Commission, Hampton (2)	Solid Waste	Operation Without Permit	Order	10-25-89
Hobson Bros. Aluminum Foundry & Mould Works, Inc., Shell Rock (2)	Air Quality	Construction Without Permit	Order	10-25-89
Timber Lake Estates, Swisher (6)	Drinking Water	Monitoring/Reporting-Inorganics	Order/Penalty	10-30-89
Kimballton Utilities (4)	Drinking Water	Monitoring/Reporting-Inorganics	Order/Penalty	10-30-89
DeWitt Moose Lodge, DeWitt (6)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10-30-89
Climax Molybdenum Co., Ft. Madison (6)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10-30-89
Manson Water Supply (3)	Drinking Water	MCL - Other	Order/Penalty	10-30-89
Ken DeBerg, Rock Rapids (3)	Underground Tank	Monitoring Deficiencies	Order	10-30-89

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Handi-Klasap, Inc. (Webster City)	WW/HC	1,000	8-02-88
Soo Line Railroad Company (Mason City)	HC	1,000	8-07-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Howard Gross (West Union)	FP	300	10-23-89
Arthur Pape (West Union)	FP	300	10-23-89
Mount Hamil Tap (Donnellson)	WS	200	10-30-89
City of Des Moines	WW	1,000	11-02-89
Westmore Road & Water Assoc. (Davenport)	WS	200	11-05-89
George A. Hormel & Co. (Davenport)	AQ	400	11-19-89
Mitchell Boars & Gilts (Madison Co.)	WW/FP	800	11-24-89
Central Water Supply (Okoboji)	WS	250	11-25-89
Arlis Bown (Warren Co.)	WW	1,000	11-27-89
Kossuth Co. Care Facility (Algona)	WS	200	11-27-89
Alta Vista Homeowners Assoc. (Ames)	WS	200	11-30-89
Bill Mitchell Swine Service, Inc. (Madison Co.)	WW	500	12-04-89
Barnum Water Supply	WS	200	12-06-89
Norris Asphalt Paving, Inc. (Ottumwa)	AQ	1,000	12-07-89
East Side Acres (Merville)	WS	200	12-26-89
Green Products Co. (Conrad)	AQ	500	12-27-89
Nozey & Mildred Habhab/John F. Constable (Ft. Dodge)	AQ	1,000	-----
4 E's Farm, Inc. (Algona)	SW	600	-----
Timber Lake Estates (Swisher)	WS	100	-----
Kimballton Utilities	WS	200	-----
DeWitt Moose Lodge (DeWitt)	WS	200	-----
Climax Molybdenum Co. (Ft. Madison)	WS	100	-----
Manson Water Supply	WS	500	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
Wee Willy's (Quasqueton)	WS	450	2-23-89
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
*Milo Chalfant, et. al. (Webster City)	SW	216	5-21-89
Gilbert John Fjone (Swaledale)	SW	400	7-04-89
Glenn C. Sevick (Mason City)	SW	400	7-17-89
Richard Kleindolph (Muscatine)	SW	500	8-17-89
Robert Fisch (Manchester)	AQ	600	9-01-89
Jeffrey Allen Miller (Shell Rock)	SW	1,000	9-09-89

\*On Payment Schedule



The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Des Moines Metro Solid Waste Agency	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Paul Klorberdanz d/b/a The Mart (Danville)	UT	1,000
Circle Hill Farms, Ltd. (Ellsworth)	SW	600
Cozy Cafe (Lucas)	WS	500
Modern Manor Mobile Home Park (Iowa City)	WS	200
East Side Acres (Merville)	WS	600
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Donald P. Ervin (Ft. Dodge)	SW	1,000
Monty Branstad (Leland)	AQ	400
Hickory Estates (Donahue)	WS	200
Craig Natvig (Cerro Gordo Co.)	SW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Harcourt Water Supply	WS	100
Larry Stohr (Leland)	AQ	600
Mt. Pleasant Municipal Utilities	WS	200
William C. Augustine (Rose Hill)	FP	100
Atrium Village Retirement (Hills)	WS	100
Carriage Place Estates Homeowners (Bettendorf)	WS	100
Delbert Fleig (Richland)	SW	300
Don Hess (Mason City)	AQ	400

TOTAL \$1,900

\*On Payment Schedule

## ADMINISTRATIVE PENALTY SUMMARY

10-01-89

The table below summarizes administrative penalty assessments through September, 1989. The first column of this table is a rough breakdown of the environmental program and violation types for which penalties have been assessed. The next five columns state the dollar amounts collected during the stated time periods, and the number of cases in parentheses. The last column states similar data for cases still pending as of October 1, 1989 (penalties appealed, delinquent or assessed but not yet due).

Violation Type	FY 86	FY 87	FY-88	FY-89	FY-90 1st QTR	PENDING
WW Discharge	\$ 1,400 (2)	\$12,950 (18)	\$ 9,900 (18)	\$ 7,355 (07)	\$ 1,700 (02)	\$ 5,000 (05)
WW Monitoring	815 (3)	1,610 ( 5)	4,892 (11)	4,450 (09)	---	1,000 (01)
WW Other	---	2,500 ( 3)	5,950 (11)	4,172 (07)	---	3,600 (04)
SW Permit	1,500 (4)	6,100 (11)	8,598 (12)	1,800 (03)	2,427 (04)	2,000 (02)
SW Open Dumping	1,250 (2)	4,000 ( 7)	4,175 (10)	2,958 (09)	1,403 (02)	6,391 (12)
Air Permit	2,600 (3)	3,950 ( 6)	9,275 (14)	3,500 (08)	1,900 (04)	2,400 (03)
Air Open Burning	625 (2)	3,650 ( 7)	5,250 (10)	5,134 (12)	600 (02)	4,000 (06)
WS Monitoring	1,859 (20)	7,178 (58)	11,186 (75)	15,804 (102)	1,735 (12)	4,117 (07)
WS Permit	598 (2)	---	3,225 (7)	2,100 (08)	---	2,100 (03)
Flood Plain	---	150 ( 1)	1,200 (2)	800 (01)	836 (02)	3,100 (05)
HC Notice	---	600 ( 1)	3,750 (7)	600 (01)	500 (01)	---
Water Use	---	---	150 (2)	---	3,000 (03)	---
Construction Permit	---	100 ( 1)	---	150 (01)	---	700 (01)
Underground Tanks	---	---	---	500 (01)	---	5,000 (05)
<b>TOTALS</b>	<b>\$10,647 (38)</b>	<b>\$42,788 (118)</b>	<b>\$67,551 (179)</b>	<b>\$ 49,323 (169)</b>	<b>\$ 14,101 (32)</b>	<b>\$39,408 (64)</b>

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
ATTORNEY GENERAL REFERRALS  
November, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Petition for rehearing denied	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 7/19/89
Amoco Oil Co. Stuart (4)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
ASPRO, Inc. Waterloo (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
Bell Watcher, Inc., Poweshiek Co. (5)		Wastewater	Operational Violations	Referred to Attorney General	Referred	9/20/89
Bozarth and Bell, Inc. Davenport (6)		Solid Waste	Open Dumping	Order	Referred Default Judgment \$7500 Second Lawsuit Filed Consent Decree Filed New Case	2/20/87 6/22/87 8/07/88 8/23/88 11/01/88
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Open Dumping	Order/Penalty	Referred	9/20/89
Clinton Pallet Co. Clinton (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	6/21/89
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred	10/27/87 8/17/88
Davis, Richard & Sonia (5)	Updated	Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Elgin, City of (1)	Updated	Wastewater	MIP	Order	Referred Consent Decree	8/23/89 10/30/89
Ellsworth, City of (2)		Wastewater	Discharge Limits	Order	Referred	4/18/89

## Environmental Protection Commission Minutes

November 1989

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 ATTORNEY GENERAL REFERRALS  
 November, 1989

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Robert Fisch Manchester (1)	New	Air Quality	Open Burning	Order/Penalty	Referred	10/24/89
Gilbert Fjone Swaledale (2)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Hilltop Feeders (Jorgenson) Winneshiek (1)		Air Quality	Operation Without Permit	Order	Referred Suit Filed Discovery Proceeding	12/15/87 3/24/88
Kinsinger, Vernon Kalona (1)		Solid Waste Air Quality	Open Dumping Open Burning	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Richard Kleindolph Muscatine (6)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Land O'Lakes, Inc. Ellsworth (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/20/89
Lehigh Clay Products, et.al. Lehigh (2)		Hazardous Condition	Remedial Action	Order	Referred	9/20/89
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)	New	Solid Waste	Open Dumping	Referred to Attorney General	Referred	10/24/89
McGregor, City of (1)		Wastewater	MIP	Order	Referred	4/18/89
Jeffrey Allen Miller Shell Rock (2)	New	Air Quality	Open Burning	Order/Penalty	Referred	10/24/89
Moser, Stan	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed	7/19/89 9/12/89
Ogden, City of	Updated	Wastewater	MIP, Sludge Disposal	Consent Decree	Referred Consent Decree	7/19/89 10/04/89
Parr Manufacturing, Inc.	Updated	Wastewater	Prohibited Discharge	Order	Referred Petition Filed Consent Decree	2/23/89 10/31/89 11/01/89
Petroleum Marketing Co. (PEMCO) Malcom (5)	New	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	10/24/89
Renslow, Donald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred Suit Filed Default Judgement	8/17/88 12/30/88 3/06/89
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/23/89
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred	9/20/89
SEMCO, et. al.		Solid Waste	Cover Violations	Administrative Order	Referred	7/19/89
Glenn Sevick Mason City (2)	New	Solid Waste	Open Dumping	Order/Penalty	Referred	10/24/89
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/20/89
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)	Updated	Air Quality	Open Burning Prohibited Discharge	Referred to Attorney General	Referred Suit Filed	9/20/89 10/17/89
Touchdown Co., et. al., Webster City (2)		Underground Tank	Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
Turner, Ken Ft. Madison (6)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed	6/21/89 9/13/89
Wee Willy's Quasqueton (1)		Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred Petition Filed	3/21/89 5/08/89
Winnebago Industries Forest City (2)		Air Quality	Failure to Obtain Permit	Referred to Attorney General	Referred	6/21/89
Yocum, Max Johnson (6)		Flood Plain	Prohibited Construction	Defending Referred to Attorney General	Suit Filed Referred Counter Claim Filed	12/18/84 7/12/85 10/85
					Trial Held Judgment for Department Court of Appeals Affirmed Judgment	6/16/87 8/18/87 11/29/88
					Further Review Denied Contempt Hearing Rescheduled	2/06/89 9/29/89

November 1989

## Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 November, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
6-12-86	ADM - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-03-86	City of Waukee	Administrative Order	WS	Hansen	Amended Admin. Order issued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Continued. Settlement pending.
1-22-88	IBP, Fort Dodge	NPDES Permit	WW	Hansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	SW	Landa	Compliance actions initiated.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Phase II implemented.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Appealed to District Court.
4-13-88	Land O'Lakes, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Compliance actions completed.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued pending settlement discussions.
7-25-88	Nishna Sanitary Service, Inc.	Permit Conditions	SW	Landa	Compliance initiated.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Compliance actions initiated.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Hearing continued.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Hearing continued. Compliance initiated.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Proposed decision 10/20/89.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
1-25-89	Amoco Oil Co.	Administrative Order	UT	Landa	Settlement proposed. Clean up progressing.
1-30-89	City of New Market	Permit Revision	WS	Hansen	Proposed compliance schedule submitted.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Hearing continued.
2-10-89	Baier/Mansheim/Hoyer	Site Registry	HW	Landa	Hearing continued.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Negotiating before filing.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Negotiating before filing.
2-16-89	John Deere Co.	Site Registry	HW	Landa	Hearing continued/settlement proposed.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Sent to DIA.
4-13-89	Finlan Landfill	Permit Revocation	SW	Kennedy	Settled.
4-18-89	Star Coal Company	SWA Denial	SW	Landa	Hearing continued.
4-20-89	Des Moines Metro SLF	Administrative Order	SW	Kennedy	Settlement pending.
5-01-89	Amoco Oil Company	Administrative Order	UT	Landa	Negotiating before filing.
6-07-89	Paul Kloberdanz, d/b/a The Mart	Administrative Order	UT	Landa	Hearing held 9-12-89.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued/Discovery initiated.
6-08-89	Jay Winders	Permit Denial	FP	Clark	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Hearing continued.

## Environmental Protection Commission Minutes

November 1989

DEPARTMENT OF NATURAL RESOURCES  
 ENVIRONMENTAL PROTECTION COMMISSION  
 CONTESTED CASES  
 November, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Hearing continued pending settlement negotiations.
7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Negotiating before filing.
7-19-89	Lehigh Portland Cement Co.	Administrative Order	HC	Landa	Sent to DIA.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Negotiating before filing.
8-31-89	Howard McKee	Clean-up Costs	HC	Murphy	Hearing set for 11/15/89.
9-01-89	Charles Clapp	Administrative Order	UT	Landa	Hearing held 10-31-89.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Negotiating before filing.
9-13-89	Carroll, City of	Administrative Order	WW	Murphy	Negotiating before filing.
9-22-89	Floyd, City of	NPDES Permit Denial	WW	Hansen	Appeal withdrawn.
9-22-89	Modern Manor Mobile Home Park	Administrative Order	WS	Kennedy	Hearing set for 11-15-89.
9-26-89	East Side Acres	Administrative Order	WS	Hansen	Hearing set for 11-21-89.
10-04-89	Donald P. Ervin	Administrative Order	SW	Kennedy	Hearing held 11-02-89.
10-12-89	Electro-Coatings, Inc.	Administrative Order	HC	Landa	Sent to DIA.
10-16-89	Monty Branstad	Administrative Order	AQ	Kennedy	Negotiating before filing.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Sent to DIA.
10-24-89	Consumers Cooperative Association	Site Registry	HC	Landa	Sent to DIA.
10-26-89	Craig Natvig	Administrative Order Flood Plain	SW	Kennedy	Sent to DIA.
10-26-89	Hickory Estates	Administrative Order	WS	Clark	Settled.
10-26-89	Roger Thome	Water Use Permit	WR	Clark	Negotiating before filing.
10-30-89	Northwestern States Portland Cement Co.	Administrative Order	HC	Landa	Negotiating before filing.
10-30-89	Burlington Northern Railroad Co.	Site Registry	HC	Landa	Sent to DIA.
10-31-89	Peabody International Corp.	Administrative Order	HC	Landa	Sent to DIA.

Discussion of the various reports followed.

In reference to Attorney General referrals, Mike Earley asked that a written report be given to show the year, number of cases, and several categories of disposition to include whether or not the hazard still exists.

STATE REVOLVING FUND INTENDED USE PLAN - FY 1990

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

A draft Intended Use Plan (IUP) for Fiscal Year 1990 State Revolving Fund administration will be distributed at the meeting. The draft IUP will identify the cities proposed to be offered loans and the amount of the loans. The draft IUP will be based on assumed Congressional appropriations. Approval for a public hearing will be requested at the next EPC meeting. Adjustments to the draft IUP may be necessary because of the assumptions used for the Congressional appropriations and the amount of the loans.

(Intended Use Plan is shown on the following 14 pages)

**PROPOSED  
STATE REVOLVING FUND INTENDED USE PLAN  
FOR THE STATE OF IOWA  
FISCAL YEAR 1990**

Submitted to the  
U.S. Environmental Protection Agency  
Region 7

By the  
Iowa Department of Natural Resources

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## I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1990. This plan is based on receiving a \$10,871,550 capitalization grant from the FY 1990 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1990 SRF will include the State's required 20% match of \$2,174,310. These funds will be added to the SRF funds provided in FY 1989.

## II. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1990 funds of approximately \$13.05 million, along with the \$15.32 million FY 1989 funds, it is Iowa's intention to assist nine new projects in addition to the five remaining projects identified on the FY 1989 IUP as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1990 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance in the FY 1989 IUP are shown in Chart 1 Part 1.

The FY 1990 Des Moines ICA project is included in Chart 1 Part 2 for the maximum loan assistance allowed by state rule based on the estimated SRF funds that would be available with the full authorization of federal funding allowed by the Clean Water Act. All FY 1990 applications would not require use of the full allotment of federal funds. Providing the projected assistance to the Des Moines project will have no impact on loan amounts for other projects. Unless other applications are received and added to the list, the capitalization grant to the SRF will be less than the amount estimated to be allotted to Iowa.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

### Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1990 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1990 were identified (see Chart 1, Parts 1 and 2). The resulting list totalled nine new projects for FY 1990, in addition to five projects identified in FY 1989 which have elected to use SRF financing. These projects appear on the Loan List by fiscal year in the order of their ranking on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1990, these delayed projects may be bypassed and other projects from the contingency list in Chart 2 may be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1990 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what will likely be authorized for Iowa's SRF, the state may consider adding projects to the FY 1990 list (Chart 1 Part 2), should applications be received. The actual assistance amount for the Des Moines ICA project and the number of projects which could be added will depend on the actual Iowa allotment for FY 1990.

The projected administration costs of the SRF program are shown in Chart 1, Part 3. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1990 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP.

### III. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

#### A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.
2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.

3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.
4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.
5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.
6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1990)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.
2. Commit loan funds to as many communities as possible in accordance with the state priority rating system, this Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.
3. Commit 120% of federal capitalization grant funding available this federal fiscal year.
4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1990.

IV. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1990 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1989 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the available FY 1990 Title VI appropriation, the State will use \$434,860 of the FY 1990 capitalization grant for administrative support in managing and operating the SRF program. A commitment of \$510,626 from FY 1989 funds has already been made.

V. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- ° 602(a) - Environmental Reviews  
The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.
- ° 602(b)(3) - Binding Commitments  
The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.
- ° 602(b)(4) - Expeditious and Timely Expenditures  
The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.
- ° 602(b)(5) - First Use for Enforceable Requirements  
The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.
- ° 602(b)(6) - Compliance with Title II Requirements  
The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

## VI. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority communities and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

### A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1990. Refinancing in the context of the SRF program is considered to be providing loan assistance to projects or portions of projects which have already incurred costs at the time of the loan agreement.

### B. Sources and Spending Limits of FY 1990 Funds

Chart 4 identifies Iowa's total funding sources for FY 1990. With the capitalization grant and State match, Iowa anticipates to have an SRF total of \$28,364,640. Of this amount \$945,000 will be committed to program administration.

No interest earnings or repayments are projected on SRF funds in FY 1990 due to the uncertainty of program income and disbursement schedules.

### C. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, the projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 is a list of contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan.

D. Develop SRF Payment Schedule

Iowa's draft payment schedule (see Chart 5) is based on the State's projection of binding commitments included in Chart 3 of this Intended Use Plan. The State has projected fourteen binding commitments for Section 212 projects through FY 1990. The administration costs of Iowa's SRF are included in the payment projections. Iowa's payment schedule projects payments through FY 1991. Chart 4 was prepared to show the payment schedule for all FY 1990 funds in the SRF.

E. Develop SRF Disbursement Schedule

Iowa's disbursement schedule, shown in Chart 6, is based on the dates for binding commitments, construction start, and initiation of operation included in Chart 1.

Chart 6 displays projected letter-of-credit draw downs, summarized by quarter, to pay invoices submitted for SRF assisted projects. The disbursements which extend beyond FY 1991 have been condensed into the last column.

VII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1990. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

VI. PUBLIC REVIEW AND COMMENT

(Reserved)

Chart 1: FY 90 Intended Use Plan Projects – Specific Information

Chart 1 Part 1: FY 89 Section 212 Publicly Owned Treatment Works (POTW) Projects

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
Des Moines ICA	192001-01	25	30	5.5 NH3	IVB		9284	11/89	12/89	3/91
Edgewood	192003-01	25	30		I		450	9/89	4/89	1/90
Ft. Dodge	192004-01	25	30	13 NH3	I		1580	11/89	2/90	1/91
Albia	192005-01	25	30		IVB		1174	11/89	4/91	9/92
Oskaloosa	192007-01	25	30	8 NH3	I,II		2320	11/89	3/90	6/91
Part 1 Total:							14808			

Chart 1 Part 2: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
Des Moines ICA	192001-02	25	30	5.5 NH3	IVB		9191	6/90	7/90	7/91
Oskaloosa	192007-02	25	30	8 NH3	II		586	6/90	10/90	10/91
Perry	192008-01	25	30		I		175	5/90	5/90	9/90
Adel	192009-01	25	30		IVB		594	5/90	5/90	11/90
Dows	192010-01	25	30		I		480	6/90	8/90	12/90
Martensdale	192011-01	25	30		I		240	5/90	5/90	10/90
Preston	192012-01	25	30		IVB,I		494	6/90	10/90	5/91
VanMeter	192013-01	25	30		IVB,I		559	6/90	6/90	12/90
Brandon	192014-01	25	30		I		292	6/90	10/90	7/91
Part 2 Total:							12611			

Chart 1 Part 3: Section 603(d)(7) Program Administration

<u>Project Name</u> Communities Served	Project Number	<u>Discharge Requirements</u> CBOD	TSS	Other	Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment Date	Construct Start Date	Initiate Operation Date
PGM-ADM (89)		N/A	N/A	N/A	N/A	N/A	510	5/89	N/A	N/A
PGM-ADM (90)		N/A	N/A	N/A	N/A	N/A	435	3/90	N/A	N/A
Part 3 Total:							945			
FY GRAND TOTAL:							28364			

Chart 2: FY 90 Intended Use Plan Contingency Projects - Specific Information

Project Name Communities Served	Project Number	Discharge Requirements			Need Categories	Enforceable Requirement	Assistant Amount (\$1000)	Binding Commitment		Construct Start		Initiate Operation Date
		CBOD	TSS	Other				Date	Date	Date	Date	
LeGrand		25	30		I		640	6/90	2/91	8/91		

Key to need categories

- I Secondary Treatment
- II Treatment more stringent than secondary
- IIIA Infiltration/Inflow Correction
- IIIB Major sewer system rehabilitation
- IVA New collectors and appurtenances
- IVB New interceptors and appurtenances
- V Correction of combined sewer overflows



Chart 3: Loan List - Projected Binding Commitments by Quarter

Project Name Communities Served	Project Number	Prior Year	Fiscal Year 1990				Fiscal Year 1991			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
<b>FY89</b> Section 212 POTW Projects										
Des Moines ICA	192001-01		9284							
Edgewood	192003-01		450							
Ft. Dodge	192004-01		1580							
Albia	192005-01		1174							
Oskaloosa	192007-01		2320							
<b>FY90</b> Section 212 POTW Projects										
Des Moines ICA	192001-02			9191						
Oskaloosa	192007-02			586						
Perry	192008-01			175						
Adel	192009-01			594						
Dows	192010-01			480						
Martensdale	192011-01			240						
Preston	192012-01			494						
VanMeter	192013-01			559						
Brandon	192014-01			292						
PGM-ADM (FY89)		510								
PGM-ADM (FY90)			435							
<b>TOTALS</b>		510	14808	435	12611	0	0	0	0	0
<b>CUM TOTALS</b>		510	15318	15753	28364	28364	28364	28364	28364	28364
<b>FY TOTALS</b>		510			FY 90	27854		FY 91		0

Chart 4: Source and Allocation of SRF Funds by Quater (Federal Fiscal Years)

Source of Funds	Part 1 Totals Amount (\$1000)	Part II - PAYMENT SCHEDULE (\$1000)									
		PRIOR YR	FISCAL YEAR 1990				FISCAL YEAR 1991				
		FY89	QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4	
FY 89 Capitalization Grant	12765	12765									
FY 90 Capitalization Grant	10872			10872							
FY 89 & 90 Section 205(M) Transfer	0										
FY 89 State Match	2553	2553									
FY 90 State Match	2174			2174							
State Contribution in Excess of Match	0										
Anticipated SRF Earnings	0										
Leveraged Funds	0										
In Excess of Capitalization Grants	0										
In Excess of State Match	0										
Repayments - Principal	0										
Repayments - Interest	0										
TOTALS	28364	15318	0	13046	0	0	0	0	0	0	0
CUM EPA GRANT (by FY)		12765	0	10872	10872	10872					
CUM STATE MATCH (by FY)		2553	0	2174	2174	2174					
STATE MATCH AS % OF EPA GRANT		20.0%	20.0%	20.0%	20.0%	20.0%					

Chart 5: FY90 Payment Schedule

Projected increases to SRF letter of credit

SRF PAYMENTS (\$1000)							
		FY 1990		FY 1991			
QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
0	10872	0	0	0	0	0	0
TOTAL							10872

Note: Payment (Letter of Credit) is expected to follow the Capitalization Grant Offer  
 FY90 Payment is equal to 83.3% of binding commitments for FY90 Section 212  
 POTW Projects and Program Administration needs for FY90.

Chart 6: Project by Level Disbursement (\$1000)

Based on Disbursement Start Date

	Project Name Communities Served	Project Number	Const Start Date	Eligible Cost	SRF DISBURSEMENT													
					Fiscal Year 1990				Fiscal Year 1991				Out *					
					QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4		Year				
FY89	Section 212 POTW Projects																	
	Des Moines ICA	192001-01	12/89	9284														
	Edgewood	192003-01	5/89	450														
	Ft. Dodge	192004-01	2/90	1580														
	Albia	192005-01	3/90	1174														
	Oskaloosa	192007-01	3/90	2320														274
FY90	Section 212 POTW Projects																	
	Des Moines ICA	192001-02	7/90	9191														
	Oskaloosa	192007-02	10/90	586														
	Perry	192008-01	5/90	175														
	Adel	192009-01	5/90	594														
	Dows	192010-01	8/90	480														
	Martensdale	192011-01	5/90	240														
	Preston	192012-01	10/90	494														
	VanMeter	192013-01	6/90	559														
	Brandon	192014-01	10/90	292														
	Program Adm.		N/A	945	75	75	75	75	75	100	100	100	100	100	100	100	245	
	TOTALS				425	1425	2526	5206		6259	5305	4342	2357				519	
	CUM TOTALS				425	1850	4376	9582		15841	21146	25488	27845				28364	
	FY TOTALS					FY 90		9582			FY 91		18263				519	

\* Disbursements which extend beyond FY 1991

Mr. Stokes distributed draft copies of the State Revolving Fund Intended Use Plan for FY 1990 and gave a detailed explanation of the plan. He pointed out that one of the things to be aware of is that the federal Clean Water Act authorizes monies and Congress appropriates it, and usually Congress appropriates less than is authorized to go to the program. Mr. Stokes expanded on Iowa's projected share under the Clean Water Act. He noted that staff will be working on rule language to waive the 60% cap rule if necessary.

Discussion followed regarding interest rates and term of loans.

This was an informational item; no action was required.

#### PROPOSED CONTESTED CASE DECISION--PAUL KLOBERDANZ

Mike Murphy, Bureau Chief, Legal Services Division, presented the following item.

On May 16, 1989, the department issued Administrative Order 89-UT-08 to Paul Klobberdanz, d/d/a The Mart. That action required him to investigate and remedy groundwater contamination and pay a \$1000 penalty. That action was appealed and the matter proceeded to administrative hearing on September 12, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on October 20, 1989. The decision affirms the department's order, except for the penalty assessment.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy stated that the department received an appeal of the proposed decision, therefore the matter will be coming to the Commission at a later date.

#### PROPOSED CONTESTED CASE DECISION--EDWARD CAIN

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On November 14, 1988, the department issued Flood Plain Development Permit Denial Number FP 88-183 to Edward Cain. That action was appealed and the matter proceeded to administrative hearing on September 29, 1989. The hearing officer issued the

attached Proposed Findings of Fact, Conclusions of Law, and Order on October 20, 1989. The decision affirms the department's action.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

No action was taken by the Commission; this has the effect of upholding the hearing officer's decision unless there is an appeal.

#### PROPOSED CONTESTED CASE DECISION--CHARLES CLAPP

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On August 4, 1989, the department issued Administrative Order 89-UT-09 to Charles Clapp. That action required him to investigate and remedy groundwater contamination. That action was appealed and the matter proceeded to administrative hearing on October 31, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on November 9, 1989. The decision affirms the department's order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Earley asked if the record was correct as shown because it indicates the recovery trench is still open (five years later).

Mr. Murphy responded that the trench is still there and it is his belief that the city is monitoring it.

No action was taken by the Commission; this has the effect of upholding the hearing officer's decision unless there is an appeal.

#### REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7 (4).

Lakeshore Drive, Inc., et al. (Osceola) - dam  
Howard Gross (West Union) - flood plain/penalty  
Arthur Pape (West Union) - flood plain/penalty  
William L. Bown (Marshalltown) - solid waste/penalty  
Fred Iben (Monticello) - solid waste  
Wiltgen Construction Co. (Calmar) - solid waste  
Humboldt County Landfill Commission - solid waste  
Daryl Larson, D.V.M. (Audubon) - wastewater  
Howard Gross

Mr. Murphy briefed the Commission on the history of this case and noted that referral is for collection of the penalty and interest.

*Motion was made by Richard Hartsuck for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.*

Arthur Pape

Mr. Murphy briefed the Commission on the history of this case and noted that referral is for collection of the penalty and interest.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Gary Priebe. Motion carried unanimously.*

William L. Bown

Mr. Murphy briefed the Commission on the history of this case.

*Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.*

APPOINTMENT - LENDALL SCHIEVELBEIN

Mr. Schievelbein addressed the Commission expressing concerns with the City of Farmersburg's operation of a storage lagoon. He stated that DNR issued a construction permit to the city authorizing them to operate the lagoon which pumps uphill from the city to the farm above his farm. Mr. Schievelbein contends the department should have published in the local newspaper when the construction permit was going to be issued. He stated that

he took possession of his property in November 1988, and during October and November the city completed the project of installing a tube for discharge of treated wastewater to Howards Creek. Mr. Schievelbein stated that he would like the city to move the pipe to the bottom of his land to prevent contaminating his livestock, and he asked the Commission's help in getting that done. He added that this type of move would require an extension of less than one-half mile. Mr. Schievelbein stated that he would like to be notified when the lagoon is being drained.

Allan Stokes distributed a copy of the following chronology of events surrounding the issuance of the NPDES permit to the City of Farmersburg along with a summary of comments received from a public hearing on same. He expanded on details of the events.

(Chronology of events shown on the following 14 pages)



IOWA DEPARTMENT OF NATURAL RESOURCES  
Surface and Groundwater Protection Bureau

DATE: November 9, 1989

TO: Larry Wilson

FROM: Charles W. Furrey

SUBJECT: City of Farmersburg NPDES Permit Chronology

The following is a summary of the events surrounding the issuance of the NPDES Permit For the City of Farmersburg two cell controlled discharge lagoon:

1. The Interim Pollution Abatement Plan for Farmersburg, dated June 8, 1971 and reviewed by the State of Iowa Office for Planning and Programming identified the City as a unsewered community with individual septic tanks. This was considered an unsatisfactory waste disposal method for a municipality. The plan went on to say that construction of a sanitary sewer system would provide both long and short term enhancement of the environment. The plan identified Howard Creek, a tributary of Roberts Creek, as the the proposed receiving stream.
2. The State Department of Health conducted a site survey for the new facility in February 1971. The survey report identified the intended outlet for treated effluent from the proposed facility as a normally dry wooded ravine that enters Howard Creek in the same general location as the new lagoon outfall pipe. No mention of the sink hole found at a later time was made in the site survey report.
3. After review of the plans and specifications the State Department of Health issued a construction permit for the new sewage system and two cell lagoon May 21, 1971. The new facility was constructed in the fall of 1971.
4. The first NPDES permit issued June 3, 1974 by the U.S. Environmental Protection Agency identified Howard Creek as the receiving stream. All other permits issued by EPA or the Department since that time, except for the last one, identified Howard creek as the receiving stream. The permit issued March 11, 1986 recognized the sink hole as the receiving point of the treated effluent.
5. During an April 13, 1983 inspection by the Department it was determined that flow from the lagoon discharge entered a sink hole located in the dry ravine rather than flowing on to Howard Creek.

6. The City was advised by the Department in a June 3, 1983 inspection report to consider the possibility of installing a diversion device around the sink hole, so the treated effluent is directed to a surface stream.
7. The City was advised to correct the situation in a January 28, 1985 letter from the Department.
8. The City was directed in a November 3, 1987 letter to eliminate the discharge to the sink hole, because of new ground water protection legislation passed by the the Iowa Legislature.
9. The City went forward to eliminate the discharge from the sink hole and prepared plans and specifications for a new outfall line to direct flow from the lagoon around the sink hole to Howard Creek.
10. The Department Issued a construction permit for the discharge line September 20, 1988.
11. The Department was notified that the new line was completed November 3, 1988.
12. The City was awarded an eminent threat block grant of \$19,000 by the State to aid in covering construction costs in constructing the lagoon outfall around the sink hole.
13. Since the 1986 NPDES permit designated the sink hole rather than Howard Creek as discharge point of the treated effluent from the lagoon, the Department has amended the 1986 permit to designate Howard Creek as the discharge point of the rerouted lagoon effluent. The Department went out on public notice as required by rule when there is a major modification to a permit. A change in discharge location is considered as a major modification. However the change in location of the discharge is the original discharge location into Howard creek as originally intended and permitted by all permits previous to the 1986 permit.
14. A public notice was published concerning the proposed permit amendment May 24, 1989.
15. The Department did not attempt to coordinate the public notice with the construction permit, because it was felt that since all previous permits designated Howard Creek as the receiving stream and no objections were received after their public notices were published, no issues would arise concerning the rerouting of the effluent from the sink hole to the originally intended receiving stream.
16. Mr. and Mrs. Schievelbein purchased the farm located 250 feet downstream from the lagoon outfall line in April 1988 and took possession of it in November 1988. After the public notice was published in May they sent a letter dated June 9, 1989 objecting to the lagoon discharge. Also they contacted

several public officials concerning the permit amendment. The Department in light of the Schievelbein objections and their persistence in contacting public officials decided to hold a public hearing. Normally public hearings are not held over the objections of one person.

17. Notice of the public hearing was published August 9, 1989 and the hearing was held September 12, 1989.
18. Several objections were presented at the hearing by the Schievelbiens through their attorney and several written comments were sent in after the hearing in behalf of the Schievelbeins.
19. The Department addressed all the objections raised at the hearing and in written comments received after the hearing in a eleven page summary of the hearing.
20. After consideration of all objections, in light of our rules and water quality standards, the Department issued the permit amendment without modification due to the objections raised at the hearing. The summary of the public hearing is attached to this chronology.
21. The permit amendment was issued October 31, 1989.
22. Mr. Bill Angrick of the State Ombudsman's office has reviewed our files and found no irregularities in our procedures used to issue the Farmersburg NPDES permit amendment.

CWF:cwf

cc: Al Stokes  
Darrell Mcallister  
Wayne Farrand

IOWA DEPARTMENT OF NATURAL RESOURCES  
Surface and Groundwater Protection Bureau

DATE: October 31, 1989  
TO: City of Farmersburg Public Hearing Attendees  
FROM: Charles W. Furrey  
SUBJECT: City of Farmersburg NPDES Permit

Summary and Response to Comments  
Public Hearing on Proposed NPDES Permit  
City of Farmersburg Wastewater Treatment Plant

A hearing was held to receive comments from the public concerning the draft NPDES permit for the discharge of treated wastewater from the City of Farmersburg wastewater treatment plant to Howard Creek in Clayton County. A public notice was published in the Monona Billboard on May 24, 1989. Significant written comments from the public concerning the draft permit were received. Therefore, arrangements for a public hearing on September 12, 1989 were made. The public notice for the public hearing was published in the Monona Billboard August 9, 1989.

Written comments regarding the draft permit were received from the following persons:

Lendall and Fern Schievelbein, Farmersburg  
Loren Will, Iowa State University Extension  
James Hosch, Iowa State University Extension  
Roger Koster, Iowa State University Extension  
John Smith, veterinarian, Wadena  
Jerry Shepler, Iowa Farm Bureau  
Calvin Anderson, Anderson, Wilmarth & Vander Maaten Law Offices, Decorah

There were 38 persons in attendance. The following persons signed the roster:

M. Schoenfeldt, Farmersburg  
Delores Mathews, Farmersburg  
Steve Saunders, Granville  
Linda Sedlmayer, Farmersburg  
Dick Streicker, Farmersburg  
Scott Henker, Farmersburg  
Glenn Radloff, Farmersburg  
Georgia Radloff, Farmersburg  
Jim Hosch, Elkader

Kenneth Kuehl, Farmesburg  
 Dale Tieskoetter, Farmersburg  
 Velma Kuehl, Farmersburg  
 Bob Waike, Guttenberg  
 Cheryce Scherf, Farmersburg  
 John Meyers, Evansdale  
 Monica Meyers, Evansdale  
 Gloria Kelhner, Farmersburg  
 James Bollman, Farmersburg  
 Reva Radloff, Farmersburg  
 Lafonda Scherf, Farmersburg  
 Bill Scherf, Farmersburg  
 John Klinge, Farmersburg  
 Bob Handke, Monona  
 Brad Freilinger, Monona  
 Jack Wikner, Farmersburg  
 Dale Chesnut, Farmersburg  
 Calvin Henker, Farmersburg  
 Keith Radloff, Farmersburg

Charles Furrey and Wayne Farrand represented the Department of Natural Resources at the public hearing.

The following is a summary of the comments received at the hearing and the Department's response to these comments:

1. Objections were raised concerning the location of the Farmersburg lagoon outfall 250 feet upstream from the Schievelbein property line and the discharge of treated wastewater to Howards Creek which flows one half mile across the Schievelbein farm to Roberts Creek. Mr and Mrs Schievelbein purchased the farm in April 1988 and took possession of it in November 1988. They intend to use the farm for a beef cow - calf herd livestock operation and to build a farm pond, fed by creek water, for recreational use. They are concerned about any potential impacts from the discharge of treated wastewater on their livestock operation and the proposed farm pond. They are concerned that they were not notified about the changed lagoon outfall location before their intended purchase of the farm. They want to know if alternate routes around their property were considered. Concerns about the quality of and sampling of the discharge were expressed. Also they would like to have prior notice of any discharges so samples may be collected. They are concerned about possible accumulations of bacteria in the stream bed. Concern about potential economic impact on the value of their farmland was expressed. They objected to the permit being issued and want the City to use an alternate route around their property for its lagoon outfall.

The Department's response to the above objections is as follows:

According to the report for the site survey conducted in February 1971 by the State Department of Health for the lagoons

constructed in the fall of 1971 the intended outlet for the treated wastewater was into a normally dry wooded ravine, which runs in a northerly direction, approximately one-half mile from the lagoon site to Howard Creek. No mention was made of the sink hole as the intended discharge point. Howard Creek has always been the intended receiving stream with drainage from the lagoon flowing overland through the dry ravine which enters the creek in the same general location as the new lagoon outfall pipe. The first NPDES permit issued June 3, 1974 by the U. S. Environmental Protection Agency identifies the dry wooded ravine and Howard Creek as the receiving streams. Each NPDES Permit issued either by the U. S. Environmental Protection Agency or by the Department since that time, except for the last permit issued March 11, 1986, has identified these streams as the intended receiving streams for treated wastewater from the Farmersburg lagoon. The March 11, 1986 permit recognized the sink hole as the receiving point of the treated effluent. It was not until April 18, 1983 during an inspection by the Department, that it was determined that flow from the lagoon discharge entered a sink hole located on Elmer Shady's property, rather than flowing on to Howard Creek the intended receiving stream. The City in a June 3, 1983 inspection report was advised to research this situation and consider the possibility of installing a diversion device around the sink hole, so that the discharge would be routed to a surface stream. The City again was advised to correct the situation in a January 28, 1985 letter from the Department. The City was directed by the Department to eliminate the discharge to the sink hole in a November 3, 1987 letter. The City has complied with the Department's direction; and its lagoon outfall is now routed to Howard Creek as originally intended.

Per Iowa Code Section 455B.186, "A pollutant shall not be disposed of by dumping, depositing or discharging such pollutant into any water of the state except that this section shall not be construed to prohibit the discharge of adequately treated sewage industrial waste, or other waste pursuant to a permit issued by the executive director". The Department after an engineering review as required under Iowa Code Section 455B.183, determined that adequate treatment is provided by the Farmersburg wastewater treatment system and issued a construction permit for the discharge line on September 20, 1988. The Department was notified that construction was completed on November 3, 1988.

The State's water quality criteria in Chapter 61 of the Iowa Administrative Code include general water quality criteria in rule 567-61.3(1) which apply to all surface waters, including those which have been designated as Class "A", "B", or "C", at all places and at all times to protect livestock and wildlife watering, aquatic life, noncontact recreation, crop irrigation, and industrial, domestic agricultural and other incidental water withdrawal uses not protected by Class "A", "B", or "C" criteria. Howard Creek is further classified as Class "B" waters which are to be protected for wildlife, fish,

aquatic and semiaquatic life and secondary contact water uses. General and Class "B" criteria are listed on the two attached pages. As noted, the criteria do not require the disinfection of wastewater effluents to protect receiving streams for livestock watering or propagation of fish life. These criteria follow national guidelines developed by the United States Environmental Protection Agency to protect surface water quality for designated uses. The Department has determined that discharges from the Farmersburg wastewater treatment lagoon will not cause water quality violations in Howard Creek.

The Department has no information concerning any problems associated with discharges from well operated wastewater treatment facilities that are in compliance with their effluent limitations, such as at Farmersburg, and livestock watering. There are over 1700 municipal, industrial and semi-public permitted wastewater treatment facilities in the State of Iowa, many of which discharge to streams used for livestock water.

Departmental rules do not require the selection of alternate routes for effluent pipes other than the site criteria found in rule 567-64.2(3) and design criteria found in rule 567-64.2(9). The location of the Farmersburg lagoon outfall meets these criteria.

Public notice requirements are specified in rule 567-64.5(455B). These rules do not require public notices before the issuance of construction permits. Public notices are required before issuance or reissuance of NPDES permits. These rules were followed with the Farmersburg permit. A decision on issuance of a revised NPDES permit will be made separately from the fact that a construction permit was previously issued.

Monitoring requirements are established in the proposed permit. These requirements found in rule 567-63.4(1) Table 1 apply to all wastewater treatment facilities of similar size and type found at Farmersburg. These requirements adopted by the Department after opportunity for public comment and review, set minimum monitoring frequencies designed to protect water quality. The department does not anticipate imposing any more stringent monitoring nor notification requirements than listed in the draft permit. Notification of downstream land owners is not required by State rules and not considered necessary in this case to protect designated uses.

The Department does not have any information concerning the relationship of the location of treatment plant outfalls and downstream property values. This is not a criteria pertinent to the issuance of an NPDES permit.

2. A question was asked as to where the lagoon was drained before the outfall was relocated.

The Department's response is as follows:

The intended receiving stream was originally Howard Creek and not the sink hole located north of highway 290 on property owned by Elmer Shady in section 18, T94N, R4W. In a letter to the City dated November 3, 1987, the Department notified the City that, because of new groundwater legislation, discharges can no longer be allowed into sinkholes or other direct connection with groundwater. The City was informed that it must eliminate the discharge to the sinkhole. The City at a November 18, 1987 City Council meeting, decided to reroute the lagoon outfall around the sinkhole to Howard Creek as originally intended.

The City was awarded an eminent threat block grant of \$19,000 by the State to aid in covering construction costs in relocating the lagoon outfall.

3. A question was asked concerning the need to monitor the lagoon effluent and meet effluent limits.

The Department's response is as follows:

The proposed NPDES permit sets monitoring requirements and effluent limitations. The permit requires the City to monitor flow, carbonaceous biological oxygen demand, total suspended solids, and pH at the frequencies established by rule 567-63.3(1). The limitations imposed in the permit for the parameters listed above are set by federal law published in the Code of Federal regulations, 40 CFR, Part 133, Secondary Treatment Regulation. Municipal wastewater is amenable to biological treatment such as provided by the Farmersburg lagoon system. Microorganisms found in the lagoon are brought into contact with the wastewater and biologically oxidize the organic matter. This type of treatment is termed secondary treatment. Solids generated in the treatment process are cell masses of bacteria and algae which settle to the bottom of the lagoon. Municipal guidelines established by the above federal regulation are based on the efficiency of the treatment system. Limitations are defined as follows: 25 mg/L for carbonaceous oxygen demand (CBOD5), 80 mg/L for total suspended solids (TSS), and the pH value must be maintained between 6.0 and 9.0 in the effluent.

4. Questions were asked concerning how much bacteria may be found in the effluent and whether effluent bacterial monitoring will be required.

The Department's response is as follows:

Fecal coliform bacteria come from human body wastes and other sources such as cattle, birds and other animals. A high level of fecal coliforms is interpreted to mean that there is the possibility of the presence of dangerous organisms. Fecal



coliforms and other pathologic bacteria die off in the pond at a certain rate. The rate is affected by sunlight and other factors. The greater the sunlight penetration, the faster the coliform die off. Most fecal coliforms die off in the first cell (primary cell) of the pond. Further fecal coliform reduction occurs in the second cell (secondary cell) where the water is clearer than in the first cell. This means that sunlight can penetrate deeper into the wastewater in the second cell, and destroy most of the fecal coliform organisms besides any pathologic organisms. This process is further aided by the storage of wastewater long periods of time like Farmersburg. Literature shows that controlled discharge lagoons can produce an effluent that can meet the 200 organisms/ 100 ml water quality standard without disinfection. As discussed above in section 1, Howard Creek is classified as a Class "B" stream which does not require disinfection for fish and wildlife or livestock watering.

One veterinarian in his comment letter mentioned salmonellosis and giardiasis as two examples of zoonotic diseases which are common to humans and animals. He mentioned that E. Coli is one indicator of fecal contamination and can show the possible presence of other enteric organisms. It has been reported in the literature and through the experience of this Department that several streams in the State of Iowa and in other parts of the Midwest have high background counts of fecal coliform bacteria. These high background levels are not generally attributed to municipal wastewater treatment plants but rather to nonpoint agricultural sources such as feed lots, pastures, and hog confinement operations.

5. One farmer on whose land the sink hole is located stated that his cattle preferred to drink out of the sink hole rather than the stream when the lagoon was discharging to it. He also stated that he had no problem with his cattle.

The Department's response is as follows:

The Department checked this statement with Mr. Elmer Shady during a phone conversation October 18, 1989. Again Mr Shady stated that he has pastured cattle in the field which the sinkhole is located for 12 years. He stated that he keeps cattle in the field during the fall and winter seasons. He said his cattle regularly drank out of the sink hole and he did not observe any problems with his herd. He says that he has not lost any calves during the calving season. He also said the cows settled well. Several sets of twins were produced besides three sets of triplets.

The following is a summary of the written comments received in response to the public hearing and the Department's response to these comments:

1. The June 9, 1989 letter from Lendall and Fern Schievelbein received by the Department raised the following issues:

What evidence if any, is there that the proposed discharge will not be harmful to livestock and/or fish.

Why did the City choose to discharge upstream from the Schievelbein farm.

What alternatives did the City consider for its discharge pipe.

What treatment does the City propose to give the sewage before it is discharged.

What effect will treatment have on livestock and/or fish.

Why didn't City notify the Schievelbeins about the proposed extension of the lagoon outfall line.

The Department's response is as follows:

These issues were addressed in above in item 1 of our response to the comments received at the public hearing.

2. The August 1, 1989 letter from Loren A. Will DVM, ISU Extension, received at the hearing, raised the following issues

The effluent from the lagoon should be tested for Escherichia coli and Salmonella spp. and Giardia spp.

Also concern about a toxic effluent containing lead was expressed.

The Department's response is as follows:

The general water quality criteria which are used by the Department to protect the stream for livestock watering do not require the disinfection of municipal treatment plant effluent for this purpose. As mentioned above in item 2 of our response to comments received at the hearing, livestock watering problems associated the discharge of treated wastewater from well operated treatment plants have not been established in the State of Iowa. We do not expect that problems will occur resulting from discharges from the Farmersburg facility. The literature search found in the article "Effects of Sewage on Cattle and Garbage on Hogs", Charles W. Snyder. Sewage & Industrial Wastes 23: 1235, Oct 1951 tends support this expectation. In one reported study three healthy cattle were allowed to consume water containing sewage during a 21 month period. During the experiment a cow in milk consumed 5100 gallons of undiluted sewage effluent for 11 months. The two other cows drank diluted and undiluted effluent. The animals showed no signs that the effluent was distasteful to them. They thrived normally and maintained or increased their weight; the milking cow gave birth at the time, to a healthy calf while under experiment and during the following fourth lactation her milk yield reached 1.8 gallons daily. Another reported study discusses the public health as-

pect of allowing cattle to graze on sewage-irrigated lands in South Africa. It was stated that "after more than 100 years of practice in sewage farm irrigation from small to colossal, no epidemic of formidable cattle or animal disease has been traced to a sewage farm." Also the reference went on to say "after 100 years of sewage farming there is still no evidence of any actual epidemic being traced to such operations, despite many careful investigations, the conclusion is that the risks cannot be as great as would be first be supposed." Another point that was made is "that on sewage farms it was observed that cattle preferred drinking effluents, even where fresh water was available." We contacted Dr. Lowell Anderson, assistant state veterinarian with the Iowa Department of Agriculture. He said livestock watering problems should not be associated with discharges from a well operated and maintained lagoon system. He also said that the water quality standards, permit limits and monitoring requirements provide the necessary safeguards to guard against a problem; and should a problem occur with any facility, resources of both the Departments of Agriculture and Natural Resources would be called on to revise the criteria to protect the water quality for its intended use.

Heavy metals such as lead are not expected to be present in treated wastewater from Farmersburg since there are no industrial sources of heavy metals in town.

3. Dr John E. Smith's September 13, 1989 letter recommended the following:

The lagoon should be monitored 10 to 14 days before discharge and the effluent should be monitored during discharge for all bacterial pathogens thru cultural procedures.

Also E. coli should not be used as the sole bacteria to check for efficiency of operation, for there is the possibility of highly resistant bacteria slipping through and becoming infective.

The Department's response is as follows:

The water quality criteria do not require the monitoring of fecal coliform or other bacteria to protect the stream for livestock watering. The use of E. Coli as indicator organisms has long been an established practice used by public health officials in determining the presence of enteric organisms. The use of other organisms has not been practical because of the very low numbers in treated wastewater. Sampling and monitoring of the parameters specified in the permit is required prior to discharge.

4. The September 19, 1989 letter from Calvin R. Anderson raised the following issues:

Elmer Shady did not at any time have any of his producing dairy cows in the area of the sink hole to which the Farmersburg city lagoon drained.

Should the permit be granted, it should require the city to advise the Schievelbeins about when the discharge will take place so that they can take necessary samples.

the lagoon can be drained by running the line through the west end of the Schievelbein property.

The Department's response is as follows:

Mr. Shady in a telephone conversation clarified that he has had cattle in the field which the sink hole is located for 12 years.

Our rules do not require the notification of any private citizens of pending discharges. Should the City wish to do this they may do so.

In as much as the City's discharge meets required criteria the State cannot require the City to relocate the lagoon outfall line.

5. The September 19, 1989 letter from James C Hosch, County Agriculturist, Iowa State Extension, raised the following issues that are not addressed previously:

Consideration of the best land use, such as permanent pasture, should be given when decisions are made in locating lagoon outfalls.

The Department's response is as follows:

The rules developed by the Department, after public scrutiny and comment, set criteria for the location of wastewater treatment facilities. These criteria do not consider agricultural land use. Designated uses of streams are considered in establishing treatment requirements for municipal facilities.

6. The September 21, 1989 letter from Jerry Shepler, Iowa Farm Bureau, made these additional points:

The discharge permit may have potential negative impact on agricultural property owned by Lendall Schievelbein.

He urges the Department to consider the private property rights of an individual and that the individual not be economically harmed by the issuance of the permit

The Department's response is as follows:

The purpose of the NPDES Permit program is to assure that all waters of the State are protected from pollution that will adversely impact their continued use by all people and fish

and wildlife. Water quality criteria and environmental rules used by the Department of Natural Resources in this program apply to all wastewater discharges throughout the State of Iowa.

7. The September 22, 1989 letter from Roger A. Koster, Iowa State Extension had the following comment:

If the present system is not changed to return the sewage to its original point of origin (sink hole) or down stream from Farmersburg, the City officials should be required to develop a planned schedule for discharge from the lagoon. This should be based on when it would have the least adverse impact on the environment and those persons, animals, wildlife who could be affected by the discharge. This should not be considered only based on economics, but on the recommendations of a panel of experts in rural planning. With the development of this schedule of activities to drain the lagoon, the City officials would be required to notify the affected users of the stream when the discharge will occur. This notification should allow users adequate time to take action to protect their interests. In cases where this discharge period would result in an actual monetary loss for the producer(s), the City would be expected to reimburse the party(s) for their loss.

The Department's response is as follows:

Water quality criteria and all rules used by the Department of Natural Resources have all undergone review by experts and the public in their adoption in the rule making process. These rules do not require any notification of downstream users. Therefore the City will not be required to notify any downstream user of pending discharges. The permit requires the City to discharge from its lagoon in the Spring or Fall of the year minimizing any impact on the environment. Should any violations of the permit occur, the Department will take necessary enforcement action. Any damages to downstream property associated with any discharges maybe redressed by property owners in the courts.

Decision:

The Department has determined after consideration of the comments received, to issue a final permit with the same conditions specified in the draft permit. The permit is drafted under the laws of the State of Iowa and rules adopted by the Department that are designed to protect the environment and the public. It provides the Department with the legal document necessary to regulate the facility and form a basis for any enforcement actions should violations occur in the future.

CWF:cwf

Mr. Stokes stated that in 1988, the department issued a construction permit to construct a discharge line and there is not a requirement for public notification prior to the issuance of a construction permit; there is a requirement for notification prior to issuance of a discharge permit. Public notification and a public hearing was conducted for the Farmersburg discharge permit. Mr. Stokes emphasized that everything was handled in a normal manner and the NPDES permit was issued in accordance with all regulations of the federal government, the state, and the Commission. He added that there is nothing different in this situation than elsewhere in the state.

Mr. Stokes explained that the options the Commission could take would be to direct staff to withdraw the permit and require something different, in which case it would be appealable by the City of Farmersburg.

Chairperson Mohr asked that the Commission review the information provided by Mr. Stokes and act on it next month.

Gary Priebe stated that there is nothing the Commission can do as long as the department has done everything according to law. He suggested that Mr. Schievelbein should do some water sampling to substantiate that his livestock is being affected. Commissioner Priebe suggested that maybe the Commission should look into requiring public notice for construction permits as well as for discharge permits.

Clark Yeager asked if the department could take a water sample above and below the discharge point.

Mr. Stokes responded that the department can do a one-time test above and below if that is the desire of the Commission.

#### PUBLIC PARTICIPATION

Chairperson Mohr announced public participation at 4:20 p.m.; no one requested to speak.

#### REFERRALS TO THE ATTORNEY GENERAL (Continued)

##### Wiltgen Construction Company

Mike Murphy stated that the department issued Gary Wiltgen an Administrative Order in 1988 regarding prior disposal of solid waste contrary to the statute and rules. In August 1989, DNR staff observed a Wiltgen Company truck disposing of demolition waste at a site near a gravel pit. Upon interviewing the person

doing the disposal, it was learned that it was an apparent attempt to deposit the material next to a dilapidated farm building and burn the whole works. Mr. Murphy stated that since Mr. Wiltgen was already under Administrative Order to cease this sort of practice, it is the feeling of staff that the matter should be referred.

APPOINTMENT - GARY WILTGEN

Gary Wiltgen, President of Wiltgen Construction Company, stated that his company was demolishing the City Fire Station in Calmar and they hauled in three loads of debris from that project. However, the person from whom he leased the property had some debris lying around prior to his hauling the three loads. The intention was to have the fire department come out and burn the old house and get rid of everything that was left on the property. Mr. Wiltgen stated that he has now removed all debris from the property and that dumping will not happen again.

Chairperson Mohr asked if anyone from DNR has been on site to see if it has been cleaned up.

Mr. Murphy stated that the dispute is not over the question of whether or not the site is being cleaned, but that the referral is to get an injunction for future compliance.

Chairperson Mohr inquired as to the amount of the penalty.

Mr. Murphy informed the Commission that normal procedure to discuss amount of penalty is to go into closed session. He added that a motion would be needed to discuss specific matters that might be the subject of litigation pursuant to Iowa Code Section 21.5(1)c.

Motion was made by Richard Hartsuck to go into closed session to discuss the penalty. Seconded by Gary Priebe.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Hartsuck, Priebe, Yeager, and Mohr. "Nay" vote was cast by Commissioner Earley. Motion failed due to the requirement for concurrence of two-thirds of the members of the Commission (6), or the concurrence of all members present if less than two-thirds are present. The vote was 5-Aye and 1-Nay.

Motion was made by Mike Earley for referral to the Attorney General's Office. Seconded by William Ehm.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Hartsuck, Earley, Ehm, and Mohr. "Nay" vote was cast by Commissioners Priebe and Yeager. Motion failed due to



lack of concurrence of a majority of the Commission on a vote of 4-Aye and 2-Nay.

Gary Priebe stated that since Mr. Wiltgen has already cleaned up the property the Commission is soaking him a little too hard. He added that even though Mr. Wiltgen was told in May 1988 not to do this, there is no point in soaking him with another big fine if he has cleaned it up and learned his lesson.

Motion was made by Gary Priebe for referral to the Attorney General's Office with the recommendation that the fine be one-third of the suggested amount. Seconded by Richard Hartsuck.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Yeager, Ehm, Hartsuck, and Mohr. "Nay" vote was cast by Commissioner Earley. Motion carried on a vote of 5-Aye to 1-Nay.

#### JOHN SARCONI

At the Commission's request, John Sarcone, Attorney General's Office, provided the Commission with an update on the Aidex case. He also gave an update on the Environmental Crimes Unit of the Attorney General's Office and the status of various cases shown on the monthly report of Referrals to the Attorney General.

Discussion took place regarding communication between the Environmental Crimes Unit and the Commission. Mr. Sarcone stated that a notification can be provided to Mike Murphy for the following month's report when criminal charges have been filed by this unit.

#### REFERRALS TO THE ATTORNEY GENERAL (Continued)

##### Fred Iben

Mr. Murphy briefed the Commission on the history of this case and he circulated photos showing where open dumping occurred. An Administrative Order was issued in March 1988 requiring cleanup of open dumping, prohibiting further open dumping, and assessing a penalty. In August of 1989, another complaint was received and investigation determined that Mr. Iben had excavated some material near the river and placed debris, including garbage, into the excavation. Sample testing showed some water pollution occurred.

Mr. Murphy distributed a copy of a letter from Mr. Iben stating that open dumping violation was done without his knowledge. Mr.

Iben pointed out that in reference to open dumping and excavation in a floodplain, a low area was being filled with rubble and covered with dirt to build it up for landscaping and seeding. He noted that a vein of good black dirt was excavated for use elsewhere and he was not aware of the 100' distance from a river bank, but it has been backfilled so it is now in the original status; he regrets the error that was made.

*Motion was made by Richard Hartsuck for referral to the Attorney General's Office. Seconded by Mike Earley. Motion carried unanimously.*

Daryl Larson, D.V.M.

Mr. Murphy briefed the Commission on the history of this case and expanded on details. He noted that this is a type of violation that could warrant either civil or criminal action by the Attorney General.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.*

#### RECESS

Chairperson Mohr recessed the meeting at 5:20 p.m., Monday, November 20, 1989.

MEETING RECONVENES 8:30 A.M., TUESDAY, NOVEMBER 21, 1989

#### GENERAL DISCUSSION ITEMS

Chairperson Mohr gave a report on the oil spill which occurred on the Mississippi River at LeClaire.

Gary Priebe reported that he received a call from a fire chief wanting to know what he can do about trees, shrubs and brush the DNR will not allow them to burn anymore. He pointed out that the county landfill won't take them either and he wondered what can be done to dispose of that type of debris. Mr. Priebe related that the fire department cannot continually receive training fire permits.

Mr. Stokes responded that some landfills may not take that type of debris. When a landfill refuses to take solid waste the law technically puts the duty on the county to provide for proper

solid waste management in their area. This problem will be partially addressed in the rule proposal for on-farm disposal of certain farm wastes. Another option would be for a training fire permit given to fire departments.

A lengthy discussion took place regarding disposal of trees and brush, and possible solutions such as incineration, chipping, rewriting rules, and other alternative methods which would be environmentally sound.

Clark Yeager was concerned that more roadside dumping will occur with restrictions on landfills and the increased costs for same.

Richard Hartsuck suggested that other outlets be explored, rather than relaxing rules which are already good. He asked that staff provide a cost estimate for a chipping process to be implemented in each county.

Mr. Stokes stated that the information will be provided in January along with an informational item on a possible rule change.

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#### REFERRALS TO THE ATTORNEY GENERAL (Continued)

##### Lakeshore Drive

Mr. Murphy stated that this matter involves an impoundment in Osceola, Iowa called the Grade Lake Dam. An Administrative Order was issued in October 1988 requiring Lakeshore Drive, Inc. to upgrade and restore the dam to a safe condition or remove it. The Order was appealed and later withdrawn. Staff is recommending referral to keep the pressure on to get the situation corrected.

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#### APPOINTMENT - JOHN LLOYD

John Lloyd, Attorney representing Lakeshore Drive, stated that Lakeshore Drive, Inc. is a private corporation which consists of ten shareholders who are property owners around the lake. They have spent \$13,000 on engineering to try to figure out what can be done to fix the dam. The engineering firm estimated a cost of \$275,000 to repair the dam to comply with the high hazard dam classification that it has been placed in by the DNR. Mr. Lloyd related that they cannot raise that kind of money. He expanded on problems associated with removing the dam. Mr. Lloyd mentioned that it is the feeling of DNR that some residences downstream from the dam would be at risk if the dam were to fail catastrophically, and DNR feel there is very little leeway they

could give in terms of the standards. He stated that the corporation can raise some of the money to get some of the repair work done, but they cannot raise all of the needed money. He added that the city is looking into possibly using REAP funds to help with repair of the dam. Mr. Lloyd noted that corporation's position is that they are not able to do the repair work, they are not ignoring the orders but they are simply in a position where they cannot comply at this point.

Discussion followed.

Randall Clark, Legal Bureau, stated that the spillway is rapidly deteriorating at the outlet and causing stability problems with the embankment.

Clark Yeager asked if a phased plan would be acceptable.

Mr. Clark responded that if the corporation could find an engineer to submit it as a viable plan, staff would certainly consider it.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Richard Hartsuck. Motion carried unanimously.*

#### Humboldt County Landfill Commission

Mr. Murphy stated that an Administrative Order was issued in May 1989 due to daily cover problems, intermediate cover problems, and littering. On September 25, 1989 staff discovered more violations of the same nature. Referral is being asked to obtain an injunction to comply as well as additional civil penalties.

#### APPOINTMENT - DOUGLAS MARSAL

Douglas Marsal, contractor for Humboldt County Landfill, addressed the Commission stating that during the previous eight years prior to 1989, DNR inspectors told him what they expected and there was never any problem. He related that now common sense is not used and penalties are being assessed, and he wondered if the rules have been changed in the last eight years. He explained how the landfill is a unique situation because it is on a flat prairie where everything is dumped at the bottom and then pushed up. He expanded on details of how daily cover is handled. Mr. Marsal stated that they are starting construction on a new area, and the only means of getting dirt on the top is to go over where garbage is dumped and that causes extraction. He commented that he is concerned with having to use six inches of impacted soil each day and then adding garbage again the next day. It is his feeling that it is a waste of good soil to have to use that much soil for cover.

Mr. Stokes stated that six inches of cover has been the requirement since 1975 when the rules were adopted. The most significant function for six inches of cover is primarily to serve as a retardation point for downward migration of snow melt or rainwater runoff to prevent leachate problems. The fundamental change in the last eight years was the development of Administrative Orders as an enforcement mechanism. Secondly, the general enforcement philosophy changed in 1986 to make sure we do not have problems on a repeated and regular basis.

Discussion followed.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

#### PROPOSED CONTESTED CASE DECISION--CHARLES CLAPP (Continued)

Mr. Murphy informed the Commission that in reference to the Proposed Contested Case Decision for Charles Clapp which was discussed yesterday, the date on page 4, paragraph 12 was incorrect; it will be corrected to show August 29, 1984 and the Administrative Law Judge will be notified.

#### GENERAL DISCUSSION ITEMS (Continued)

Mike Earley reported that the Director's budget presentation to the Governor was very interesting. He noted that Director Wilson and Stan Kuhn gave an excellent presentation.

Director Wilson stated that the Commission was recently provided a copy of the DNR Commissioner Handbook, and he asked that the Commission review and provide their comments to him for finalizing in January.

Clark Yeager circulated a copy of a magazine entitled "Farm Chemicals" and related that he would check into having it mailed to all Commissioners and the Director.

#### Don Balvanz

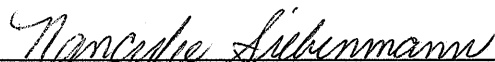
Don Balvanz addressed the Commission stating that he sent Commissioners a copy of a letter from Hardin County Supervisors with their recommendations for the on-farm waste disposal rules. He elaborated on details of their recommendations.

November 1989

Environmental Protection Commission Minutes

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 10:45 a.m., Tuesday, November 21, 1989.

  
Nancylee Siebenmann, Secretary

  
Larry J. Wilson, Director

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